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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID FRIEDLANDER,

Defendant.

Case No.: 2:19-CR-00123-APG

**STIPULATION TO CONTINUE  
SENTENCING HEARING**  
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and JENNIFER J. OXLEY, Assistant United States Attorney, counsel for the United States of America, and JOHN GEORGE, counsel for David Friedlander, that the Sentencing Hearing currently scheduled on May 13, 2020, at 2:00 pm, be vacated and continued for approximately 90 days.

This Stipulation is entered into in light of the ongoing health emergency associated with the COVID-19 pandemic and required for the following reasons:

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04, which noted that “the

1 COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive  
2 social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the  
3 Governor of the State of Nevada ordered the closure of many business establishments and  
4 strongly encouraged all citizens to stay home.” Accordingly, the Court ordered the  
5 temporary closure of the Clerk’s office, and implemented other changes, including “striving  
6 to eliminate in-person court appearances.” In the event any hearing must go forward, the  
7 Court will conduct the hearing via video or teleconference. The Court will vacate or amend  
8 GO 2020-04 no later than April 30, 2020.  
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10 2. Further, on March 30, 2020, the Chief Judge of the U.S. District Court for  
11 the District of Nevada issued Temporary General Order 2020-05, which, pursuant to  
12 Section 15002 of the Coronavirus Aid, Relief, and Economic Securities Act (“CARES  
13 Act”), authorized the “use of video and telephone conferencing, under certain  
14 circumstances and with the consent of the defendant, for various criminal hearings during  
15 the course of the COVID-19 emergency.” The Chief Judge also found that “felony  
16 sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted  
17 in person in this district without seriously jeopardizing public health and safety.” In  
18 addition, before a presiding judge may conduct a criminal sentencing via video  
19 conferencing or teleconferencing, General Order 2020-05 requires the judge to make a  
20 finding that “for specific reasons” a “felony sentencing in that case cannot be further  
21 delayed without serious harm to the interest of justice.” Even then, the defendant must  
22 consent before the court may conduct a felony sentencing via video conferencing or  
23 teleconferencing.  
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1           3.     The parties stipulate and agree that there are no specific reasons why the  
2     sentencing in the above-captioned case cannot be continued for approximately 90 days and  
3     that such a delay will not cause serious harm to the interest of justice.

4           4.     Accordingly, based on the public health emergency brought about by the  
5     COVID-19 pandemic, the Chief Judge's findings in General Order 2020-04 and General  
6     Order 2020-05, and the parties' preference to avoid having to conduct the sentencing via  
7     VTC, the parties agree to continue the currently-scheduled sentencing for approximately 90  
8     days.  
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10          5.     The additional time requested is not sought for the purposes of delay, but to  
11     account for necessary precautions in light of the COVID-19 public health emergency.  
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13          6.     Although he is incarcerated, the defendant does not oppose the requested 90  
14     day continuance of the sentencing and he agrees that he will not be prejudiced by the  
15     continuance.  
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17          7.     This is the first request for a continuance in this matter.

18     DATED this 22nd day of April, 2020.

19     NICHOLAS A. TRUTANICH  
20     United States Attorney


21     /s/ Jennifer J. Oxley  
22     JENNIFER J. OXLEY  
23     Assistant United States Attorney

24     /s/ John George  
25     JOHN GEORGE  
26     Counsel for the Defendant  
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1        THEREFORE, IT IS HEREBY ORDERED that the Sentencing Hearing in the above-  
2 captioned matter currently scheduled for May 13, 2020, at 2:00 pm, be vacated and continued until  
3 August 18, 2020 at 2:30 p.m. in Courtroom 6C.

4 DATED this 22nd day of April, 2020.

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8 HON. ANDREW P. GORDON  
9 United States District Court Judge  
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